

# EXHIBIT E

Page 1

1 UNITED STATES DISTRICT COURT

2 FOR THE

3 EASTERN DISTRICT OF MICHIGAN

4

5 UNIVERSAL TRUCKLOAD, INC.,

6 Plaintiff,

7 v.

Civil Action No.

8 JOSEPH BRIDGE ,

2:22-CV-10988

9 Defendant.

10

11 VIDEOCONFERENCE DEPOSITION OF

12 RON PAYSEUR

13 DATE: Monday, February 20, 2023

14 TIME: 1:18 p.m.

15 LOCATION: Remote Proceeding

16 Cleveland, Ohio 44114

17 REPORTED BY: Marianne Hissong, Notary Public

18 JOB NO.: 5756922

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1 A P P E A R A N C E S

2 ON BEHALF OF PLAINTIFF UNIVERSAL TRUCKLOAD, INC., AND

3 RON PAYSEUR:

4 JOHN GILLIAM, ESQUIRE (by videoconference)

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6 38505 Woodward Avenue, Suite 100, Lower Level

7 Bloomfield Hills, Michigan 48304

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11 ON BEHALF OF DEFENDANT JOSEPH BRIDGE:

12 THOMAS D. JACKSON, ESQUIRE (by videoconference)

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18  
19 ALSO PRESENT:

20 Joseph Bridge, Defendant (by videoconference)

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## I N D E X

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## EXAMINATION:

PAGE

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By Mr. Jackson

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By Mr. Gilliam

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## E X H I B I T S

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## NO. DESCRIPTION

PAGE

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Exhibit A Instructions/Document Production

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Exhibit B Verified Amended Complaint for

9

Injunctive and Other Relief

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(Exhibits retained by counsel.)

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## D O C U M E N T S R E Q U E S T E D

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## NO. DESCRIPTION

PAGE

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1 Documents Responsive to Request

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Number 4

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1           A     I would say between -- yeah -- 2021 into  
2 2022.

3           Q     Okay. Do you know what month in 2021 when  
4 that started to tail off?

5           A     No. I would be speculating.

6           Q     Okay. In your view what could be the reason  
7 for that decrease? Do you know?

8           A     I -- I would be speculating. I don't know.

9           Q     Is it usual for the load amount to be cut in  
10 half, roughly, like that in your experience?

11          A     No. In -- no. It is not.

12          Q     So it's unusual, but you can't give me any  
13 reasons that have been, you know -- what would cause  
14 that? Do you know?

15          A     I haven't had direct conversation with  
16 anybody that would -- would relay the -- I just would  
17 not know.

18          Q     Okay. Did you ask West Marine why?

19          A     I did not.

20          Q     Okay. Do you know, who would you have -- if  
21 you had to ask, who would be the person that you would  
22 ask at West Marine? Do you know?

23          A     Yeah. Mr. Braunstein.

24          Q     Okay. And who is Mr. Braunstein?

25          A     He's their corporate transportation manager.

1 Q Okay. Do you know his first name?

2 A Robert.

3 Q Okay. And have you had any communications  
4 with him --

5 A I -- I'm sorry. I -- I cut you off.

6 Q No. You're fine. Go ahead.

7 A The only communication I've had with  
8 Mr. Braunstein that I can think of were on two  
9 occasions, and they were a weekend operational issue  
10 over a trailer.

11 Q Okay. And when would that have been?

12 A And that -- that would've gone back at least  
13 a year and a half ago, so 2022'ish.

14 Q Okay. Do you know if that was an e-mail or  
15 a phone call? Do you know?

16 A A phone call.

17 Q Okay. Okay. So all you know is sometime in  
18 2021, you say, you went -- West Marine -- the loads  
19 for West Marine at Universal went from 11 to 12 down  
20 to 6, right?

21 A Yes.

22 Q You have any reason to believe that that was  
23 due to any actions by Mr. Bridge?

24 A I would be speculating.

25 Q Okay. You just don't know?

1 A I don't know. No.

2 Q Okay. You can't say "yes" or "no." You do  
3 not know either way?

4 A I would say I do not know.

5 Q Okay. Do you know whether, you know, driver  
6 issues or lack of drivers, anything like that,  
7 contributed to that decrease?

8 MR. GILLIAM: Object to form.

9 You can answer.

10 THE WITNESS: Could you say the  
11 question again, please?

12 BY MR. JACKSON:

13 Q Yeah. Sure. I can rephrase. We're talking  
14 about the decrease in loads from West Marine, right?

15 A Okay.

16 Q Do you think a lack of drivers or any driver  
17 issues could have contributed to that decrease?

18 A It did not.

19 Q It did not?

20 A It did not.

21 Q Okay. But you can't tell me any other  
22 reasons that you believe would have contributed to the  
23 decrease?

24 A Correct.

25 Q Okay. I know you said in 2021, at some

1 point, West Marine loads at Universal went down from  
2 11 or 12 to 6 a week, and then -- and correct me if  
3 I'm wrong -- you mentioned that there are roughly 3  
4 loads a week today; is that right? Or do I have that  
5 wrong?

6 A No. You have that correct.

7 Q Okay. When do you recall a decrease from  
8 six loads a week to three loads a week?

9 A You know what? I don't have that  
10 information.

11 Q Okay. But how did you know it's decreased  
12 from six loads a week to three loads a week, if those  
13 are the numbers you're giving?

14 A Well, that's -- because that's what we're  
15 doing.

16 Q Okay. Again, you don't know why?

17 A I do -- correct. I do not know.

18 Q Okay. And you do not know if that is due to  
19 any actions by Mr. Bridge? You can't say "yea" or  
20 "nay"?

21 A Correct. I can't say either way.

22 Q Okay. Approximately when did the business  
23 transition from six loads a week to three loads a  
24 week?

25 A I didn't get a chance to research that, so I

1 -- I -- I couldn't tell you.

2 Q Is there a way you could find out?

3 A Possibly. Yes. If -- if I went back to  
4 their schedules, I could probably -- not that I saved  
5 every schedule, but I might have some seasonal ones.

6 Q Okay. And you would have that, or does that  
7 belong to somebody else, like Universal or  
8 Mr. Dinallo?

9 A Well, we -- Mr. Place, Mr. Dinallo, and I  
10 get those schedules.

11 Q Okay.

12 A We -- we would know how to plan.

13 Q Okay. So right now we're sitting at three  
14 loads a week that you're usually running for West  
15 Marine at Universal, correct?

16 A Correct.

17 Q Do you believe that you could handle more  
18 loads for West Marine on Universal's behalf?

19 A Yes.

20 Q Okay. I think you mentioned -- and again,  
21 correct me if I'm wrong. I don't want to  
22 mischaracterize your testimony. But when business was  
23 at 11 or 12 loads a week, were you or Mr. Dinallo or  
24 another agent seeking those loads from West Marine, or  
25 was West Marine, you know, assigning those loads

1 without you having to ask?

2 A No. What were -- those were load offerings  
3 that would come to us. And again, I -- it was based  
4 on if you were at an accepted pricing range at the  
5 time. But those were the offerings that we got.

6 Q So accepted pricing range. What do you mean  
7 by that?

8 A In other words West Marine accepted our  
9 price structure.

10 Q At the time you were doing 11 to 12 loads,  
11 they accepted -- prices?

12 A Well, we were getting offered 11 to 12. I  
13 haven't had a chance to research what percentage of  
14 those we covered on a regular basis.

15 Q Okay.

16 A But now we -- but now we have no access to  
17 11 or 12.

18 Q Okay. I'm just trying to understand the  
19 concept of accepted price range. So do you know, is  
20 it that West Marine was giving you 11 or 12 loads a  
21 week based on this accepted price range?

22 A I -- I don't know their strategy. I -- I  
23 don't know.

24 Q West Marine's strategy, you mean.

25 A Right. West Marine strategy.

1 Q Okay. And what about when you went down to  
2 six weeks? Again, was that West Marine offering loads  
3 or offering six loads a week to you or you asking for,  
4 you know, that amount or more?

5 A That's all that we were assigned on the  
6 schedules.

7 Q Okay. Do you know if that was based on this  
8 accepted price range?

9 A I do not know.

10 Q Okay. What about when we were down to three  
11 loads a week?

12 A The same thing. I -- I don't know. That's  
13 what we were given on our schedule.

14 Q Okay. Do you know if Universal is the  
15 exclusive shipper for West Marine, where they conduct  
16 business?

17 A You know what? The last half of that broke  
18 up. Could you repeat that, please?

19 Q Yeah. Can you hear me now?

20 A Oh, yeah. Yeah.

21 Q Okay. I asked, do you know if Universal is  
22 the exclusive shipper or trucker for West Marine in  
23 the area that you run freights for West Marine?

24 A We are not the exclusive.

25 Q Okay. Do you know how many other carriers

1 West Marine uses in that area?

2 A I do not. I do not.

3 Q West Marine's a big company, fair to say,  
4 right?

5 A Yes. They are.

6 MR. GILLIAM: Object to form.

7 BY MR. JACKSON:

8 Q Okay. West Marine could use many carriers  
9 to service their needs, correct?

10 MR. GILLIAM: Object to form.

11 You can answer, Ron.

12 THE WITNESS: I would say they could.

13 Yes.

14 BY MR. JACKSON:

15 Q Okay. Okay. Do you, as your agency, or do  
16 you know if Universal bids for work from West Marine?

17 A I do.

18 Q Do they? You said you do? Or --

19 A -- I do know that -- that we do -- we did.

20 Q You did bids, correct?

21 A You're asking about bid, correct?

22 Q Yeah. You did bid, or you do bid; is that  
23 what you're saying?

24 A We just did a bid.

25 Q Okay. How recently ago?

1           A     I didn't get a chance to look that up, but  
2     in -- within the last 30 days, I'm going to say.

3           Q     Okay. Could you explain that bidding  
4     process for me? Do you know?

5           A     Yes. It came from a third party. I -- I  
6     believe the third party is in the -- one of the West  
7     Marine locations from the address if I -- but yeah.  
8     It was an electronic bid. Came over in the form of a  
9     spreadsheet.

10          Q     Okay. And did Universal win that bid?

11          A     We did not.

12          Q     Do you know why not?

13          A     We just got informed that we were not  
14     awarded any of the lanes.

15          Q     For what period? For how long?

16          A     There was not a time frame in that, now that  
17     you're asking. I don't remember seeing one.

18          Q     Okay. But do you know why Universal was not  
19     awarded any of the lanes? Was there any explanation  
20     given by West Marine?

21          A     No. I believe we just -- from memory,  
22     again, short notice, I didn't get a chance to go back  
23     and look at documents or look at those. But we just  
24     got a notification that we were not accepted.

25          Q     Okay. Had happened before? Had Universal

1 BY MR. JACKSON:

2 Q Today are you or -- well, I won't ask you  
3 about Mr. Dinallo.

4 Are you asking to run more loads for West  
5 Marine?

6 A Are -- are we asking? Could you state that  
7 again, please?

8 Q Yeah. You've noticed a pattern of it  
9 steadily going down over the last few years, correct?

10 A Yes.

11 Q Are you, in your role, doing anything to ask  
12 West Marine to run more loads weekly, today?

13 A Well, that's not exactly an answerable. We  
14 do make offers to West Marine on a regular basis for  
15 more loads. If we think we can -- we know we can make  
16 capacity for them, Mr. Dinallo will message  
17 Mr. Braunstein and say, you know, we do have capacity  
18 for whatever. And he's been turning us down for that.

19 Q Okay. And you said regularly that would  
20 happen, correct?

21 A Yes.

22 Q Okay. Mr. Dinallo does that, not you?

23 A Yes.

24 Q Okay. And you said West Marine has been  
25 turning you down?

1 A Yes.

2 Q Do you know why?

3 A They just come back with a "no thanks" type  
4 answer.

5 Q But do you know why they say that?

6 A I do not know.

7 Q Okay. Any reason to believe that them  
8 turning you down is due to any conduct by Mr. Bridge?

9 A I do not know.

10 Q Okay. So West Marine is still sending you  
11 Universal loads, just not as many as in the past,  
12 correct?

13 A Correct.

14 Q Okay. So the business has not gone away,  
15 right?

16 MR. GILLIAM: Object to form.

17 You can answer.

18 THE WITNESS: Well, if we -- at this  
19 point it has not gone away.

20 BY MR. JACKSON:

21 Q Okay. And I think earlier you testified  
22 that you, you know, you kind of have your own focus  
23 and direction for your agency independent of  
24 Universal, right?

25 A [No audible response.]

1 Q I didn't hear you. I'm sorry.

2 A -- a minute. I'm sorry. Say that again.

3 Something broke up.

4 Q Oh. So I think earlier you testified that  
5 you have your own focus and direction for your agency  
6 independent of what Universal thinks; is that right?

7 A Yes. Correct.

8 Q Okay. Of that focus and direction, do you,  
9 your agency, have a, you know, particular goal in mind  
10 for the West Marine account, whether that be revenue  
11 or whatever you earn on running West Marine loads?

12 A I -- I would say revenue and volume because  
13 our office, our agency's very good at what we do. We  
14 developed a model way back when we started the  
15 partnership, and it's worked very well. And we would  
16 like to just continually keep filling that model,  
17 which is primarily the East Coast.

18 Q Okay. What would you say your goal, whether  
19 that's a ballpark number, anything like that, for your  
20 agency would be with West Marine on a yearly basis?

21 A I wouldn't -- I wouldn't even know how to  
22 speculate a goal like that. We always have a goal of  
23 trying to grow each year, and this is, you know,  
24 obviously we haven't done that with West Marine in the  
25 last year and a half or so.

1 Q Okay. And why is that?

2 A The volume has not been there.

3 Q Okay. And have you done anything with  
4 Mr. Braunstein to address the current volume?

5 A I have not.

6 MR. GILLIAM: Just object to -- asked  
7 and answered.

8 But you can go ahead.

9 THE WITNESS: Me directly, I have not.

10 BY MR. JACKSON:

11 Q Okay. Let's see. Sitting here today do you  
12 have any evidence that Mr. Bridge solicited business  
13 from West Marine since he left Universal?

14 A I would not have firsthand knowledge. I do  
15 not have knowledge.

16 Q Okay. Do you know what individuals would  
17 know that type of thing?

18 A I -- I would be speculating.

19 Q Okay.

20 A I -- I can't say.

21 Q Would it be somebody at Universal?

22 MR. GILLIAM: Object to foundation.

23 THE WITNESS: I'm not --

24 MR. GILLIAM: You can go ahead, Ron.

25 THE WITNESS: I'm speculating that

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1 somebody, you know, in corporate may or may not. I  
2 mean, but me personally, I wouldn't know firsthand.

3 MR. JACKSON: Okay.

4 John, I'll go through my notes, and  
5 feel free if you have any questions for him.

6 MR. GILLIAM: Sure. I'll just wait if  
7 you want to see if you have anything else.

8 MR. JACKSON: Okay. Yeah. Give me a  
9 few minutes.

10 MR. GILLIAM: All right.

11 THE REPORTER: We'll go off the record  
12 at 3:02.

13 (Off the record.)

14 THE REPORTER: Back on the record at  
15 3:12.

16 MR. JACKSON: Okay. John, I don't have  
17 any questions right now. Feel free.

18 MR. GILLIAM: Okay. Thank you.

19 EXAMINATION

20 BY MR. GILLIAM:

21 Q Ron, just a few follow-up questions for you.  
22 You said that before he left, Joe Bridge was in charge  
23 of the relationship between Universal and West Marine;  
24 is that right?

25 A Yes.

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1 CERTIFICATE OF DEPOSITION OFFICER

2 I, MARIANNE HISSONG, the officer before whom  
3 the foregoing proceedings were taken, do hereby  
4 certify that any witness(es) in the foregoing  
5 proceedings, prior to testifying, were duly sworn;  
6 that the proceedings were recorded by me and  
7 thereafter reduced to typewriting by a qualified  
8 transcriptionist; that said digital audio recording of  
9 said proceedings are a true and accurate record to the  
10 best of my knowledge, skills, and ability; that I am  
11 neither counsel for, related to, nor employed by any  
12 of the parties to the action in which this was taken;  
13 and, further, that I am not a relative or employee of  
14 any counsel or attorney employed by the parties  
15 hereto, nor financially or otherwise interested in the  
16 outcome of this action.



17 MARIANNE HISSONG

18 Notary Public in and for the

19 State of Ohio

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1 CERTIFICATE OF TRANSCRIBER

2 I, ERICA MAKUCH, do hereby certify that this  
3 transcript was prepared from the digital audio  
4 recording of the foregoing proceeding, that said  
5 transcript is a true and accurate record of the  
6 proceedings to the best of my knowledge, skills, and  
7 ability; that I am neither counsel for, related to,  
8 nor employed by any of the parties to the action in  
9 which this was taken; and, further, that I am not a  
10 relative or employee of any counsel or attorney  
11 employed by the parties hereto, nor financially or  
12 otherwise interested in the outcome of this action.

13  
14 

15 ERICA MAKUCH  
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